IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 883 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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HIMMATSINH NATHUSINH GOHIL - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR SHAILESH C SHARMA for Applicant(s) : 1,
MR M.R.MENGDEY, ADDL. PUBLIC PROSECUTOR for Respondent(s) : 1,
NOTICE UNSERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 24/08/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner – original informant has prayed for an appropriate direction

directing respondent No.2 to register the complaint against the accused as per their complaint at 'Annexure-A' to the petition and to make proper investigation in the said case.

2. It is the case on behalf of the petitioner that the petitioner has filed complaint on 28.07.2006 before respondent No.3 against the accused persons. However, respondent No.3 refused to register the complaint as FIR, therefore, the petitioner approached respondent No.2 – D.S.P., Kheda at Nadiad, however, still the complaint is not registered as FIR.

3. Mr.M.R.Mengdey, learned APP has submitted that considering the Circular dated 23.07.2003 as the dispute was with regard to the land, complaint was not registered as FIR. However, in the facts and circumstances of the case the complaint will be registered as FIR as and when the petitioner approaches respondent No.3 and same will be investigated.

4. Under the circumstances, respondents are

directed to act accordingly. As and when the petitioner approaches respondent No.3, respondent No.3 to act accordingly and register the same as FIR. In view of the above statement, no further order is required to be passed by this Court. Accordingly, this petition is disposed of recording aforesaid statement.

[M.R.Shah, J.]

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